IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

(1) S.B.CRIMINAL MISC. PETITION NO. 252/2006
(Deena and Anr. Vs. Dinesh Kumar)

(2) S.B.CRIMINAL MISC. PETITION NO. 1037/2005
(Dinesh Kumar Vs. Deena and Anr.)

Date of Order : 08/08/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. B.S.Deora for the petitioners Deena and Anr.
Mr. Nagraj Goswami for Dinesh Kumar.

BY THE COURT:-

By the instant criminal misc. petition No. 252/06, the petitioners seeks enhancement of monthly allowance of maintenance granted in their favour. By order dated 27.6.2005 passed by Judicial Magistrate, Revdar (for short 'the trial court' hereinafter), non-petitioner husband Dinesh Kumar was directed to pay interim maintenance @ Rs.400/- per month in favour of petitioner No.1 Deena and @ Rs. 200/- per month in favour of petitioner No.2 Suresh. Non-petitioner Dinesh Kumar has also filed misc. petition being Criminal Misc. Petition No.1039/05 challenging the order impugned granting monthly allowance for interim maintenance. Since both these petitions arise out of same order and between the same parties, therefore, with the

consent of parties, both the petitions are heard together and decided.

Granting monthly allowance for interim maintenance is an interim arrangement during the pendency of the main petition under Section 125 Cr.P.C. and parties are yet to lead evidence. The income of the non-petitioner husband can be determined after the parties lead their evidence.

So far as the petition filed by Dinesh Kumar is concerned, the grievance of Dinesh Kumar is that by the order impugned he was directed to deposit the arrears of maintenance within one month from the date of order i.e. 27.6.2005. On being asked, learned counsel failed to state that any amount has been paid by Dinesh Kumar. In the circumstances, therefore, directing to pay the arrears of maintenance as also monthly allowance for interim maintenance cannot be said to be erroneous.

In this view of the matter, I do not find any merit in both the petitions. Both the petitions are therefore, dismissed. Stay petition in Cr.Misc. Petition No.1037/05 also stands dismissed. However, the trial court is directed to dispose of the main petition filed by petitioners Deena and Anr. under Section 125 Cr.P.C. utmost expeditiously.

(H.R.PANWAR),J.

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